

REMARKS/ARGUMENTS

Claims 4-8, 11-17, 19-24, and 26-33 remain in the application for further prosecution. Claim 2 has been canceled. Claims 1, 9, 10, 18, and 25 have been currently amended. Claim 3 was previously amended.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 3, 5, 6, 8-10, 12-13, 15-16, 18, 20-21, 23-26, 28-29, and 31-32 were rejected under 35 U.S.C. § 103(a) as being unpatentable over SUPERIOR RACES (Superior Confection Company of Columbus Ohio, disclosed by Marshall Fey). The Office Action alleges that SUPERIOR RACES discloses the invention. Applicants respectfully disagree on the basis that significant claim features are missing from SUPERIOR RACES.

The Office Action was discussed with the Examiner in a telephone interview on March 17, 2004. The Marshall Fey reference was discussed – in particular, its method of operation. It was agreed that Marshall Fey has three separate mechanical reels, each reel having affixed to it a number of horses (symbols). The horses are affixed to the reel and move with the same velocity as the reel to which they are affixed.

One key differentiating aspect is that the claimed invention has a reel (having a graphical element) and at least one symbol (associated with the reel and graphical element) – the reel and the at least one symbol potentially moving at different velocities. As a result, symbols may change their position with respect to the reel's graphical element as well as change their position with respect to other symbols on the graphical element.

The Examiner was concerned that the term “relative” used in the claim language may not be sufficiently definite. The term “relative” was used to indicate that the reel and the symbols located on that reel could move at different velocities. A proposed amendment to the claims was

provided for the purpose of the interview. To clarify the claims, the proposed amendment removed the term "relative" and the claims revised to indicate that the reel and the symbols on that reel might have different velocities. The Examiner agreed that this claim language differentiates the claimed invention from the Marshall Fey reference – and overcomes the 103(a) rejection.

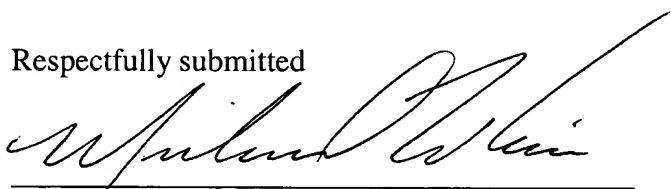
Due to the change in claim language, however, the Examiner requested a RCE be filed to allow a new search. This RCE contains the amended claims discussed during the interview as well as a supplemental IDS.

Conclusion

It is the Applicants' belief that all of the claims are now in condition for allowance, and action toward that end is respectfully requested. If any matters may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number shown.

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Respectfully submitted



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